



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q64574

Hirobumi AOKI, et al.

Appln. No.: 09/869,142

Group Art Unit: 1652

Confirmation No.: 1209

Examiner: C. L. Fronda

Filed: June 26, 2001

For: NOVEL RHODOCOCCUS BACTERIUM, NITRILASE GENE, NITRYL HYDRATASE GENE AND AMIDASE GENE FROM RHODOCOCCUS BACTERIUM, AND PROCESS FOR PRODUCING CARBOXYLIC ACIDS USING THEM

STATEMENT OF AVAILABILITY

Assistant Commissioner
of Patents
Washington, D.C. 20231

Sir:

We, SHOWA DENKO K.K., do depose, declare and state that:

We are the Assignee of the entire right, title and interest of the invention described and claimed in the above-identified application, as evidenced by the Assignment recorded on June 22, 2001, at REEL 012022, FRAME 0298.

We agree that upon allowance and issuance of the above-identified application into a United States Patent, restriction on availability of:

Rhodococcus sp. SD826, Accession No. FERM BP-7305

which is designated in the specification of the above-identified application and was deposited with the National Institute of Bioscience and Human Technology, Agency of Industrial Science

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and Technology, Ministry of International Trade and Industry, at 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, Japan, on October 12, 1999, will be irrevocably removed, subject to the provisions set forth in 37 C.F.R. §1.808(b). (The present name and address are International Patent Organism Depository National Institute of Advanced Industrial Science and Technology at AIST Tsukuba Central 6, 1-1, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, Japan.)

We agree that the above-identified bacterial strain designated in the above-identified application will be maintained for a period of 30 years or 5 years after the last request for the deposit or for the effective life of any patent which issues on the above-identified application, whichever is longer;

We agree that if the deposit becomes non-viable, it will be replaced; and

We also assure access to the deposit to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

STATEMENT OF AVAILABILITY
U.S. PATENT No. 09/869,142

Q64574

SHOWA DENKO K.K.

Date: 3/12/03

Name: Yorikatsu Hohokabe

Name: Yorikatsu Hohokabe

Title: General Manager

Intellectual Property Dept.

Authorized Signing Officer